



FLOOR AMENDMENT NO. _____

BY: Stephoni Thompson

1 Amend C.S.H.B. No. 1927 (house committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . Article 55.01(a), Code of Criminal Procedure, is
5 amended to read as follows:

6 (a) A person who has been placed under a custodial or
7 noncustodial arrest for commission of either a felony or
8 misdemeanor is entitled to have all records and files relating to
9 the arrest expunged if:

10 (1) the person is tried for the offense for which the
11 person was arrested and is:

12 (A) acquitted by the trial court, except as
13 provided by Subsection (c); or

14 (B) convicted and subsequently:

15 (i) pardoned for a reason other than that
16 described by Subparagraph (ii); [or]

17 (ii) pardoned or otherwise granted relief on
18 the basis of actual innocence with respect to that offense, if the
19 applicable pardon or court order clearly indicates on its face
20 that the pardon or order was granted or rendered on the basis of
21 the person's actual innocence; or

22 (iii) the statute prohibiting the conduct has
23 been repealed and the offense of which the person was convicted is
24 an offense related solely to the unlawful possession of a firearm;
25 or

1 (2) the person has been released and the charge, if any,
2 has not resulted in a final conviction and is no longer pending
3 and there was no court-ordered community supervision under Chapter
4 42A for the offense, unless the offense is a Class C misdemeanor,
5 provided that:

6 (A) regardless of whether any statute of
7 limitations exists for the offense and whether any limitations
8 period for the offense has expired, an indictment or information
9 charging the person with the commission of a misdemeanor offense
10 based on the person's arrest or charging the person with the
11 commission of any felony offense arising out of the same
12 transaction for which the person was arrested:

13 (i) has not been presented against the person
14 at any time following the arrest, and:

15 (a) at least 180 days have elapsed from
16 the date of arrest if the arrest for which the expunction was
17 sought was for an offense punishable as a Class C misdemeanor and
18 if there was no felony charge arising out of the same transaction
19 for which the person was arrested;

20 (b) at least one year has elapsed from
21 the date of arrest if the arrest for which the expunction was
22 sought was for an offense punishable as a Class B or A misdemeanor
23 and if there was no felony charge arising out of the same
24 transaction for which the person was arrested;

25 (c) at least three years have elapsed
26 from the date of arrest if the arrest for which the expunction was
27 sought was for an offense punishable as a felony or if there was
28 a felony charge arising out of the same transaction for which the
29 person was arrested; or

30 (d) the attorney representing the state
31 certifies that the applicable arrest records and files are not

1 needed for use in any criminal investigation or prosecution,
2 including an investigation or prosecution of another person; or

3 (ii) if presented at any time following the
4 arrest, was dismissed or quashed, and the court finds that the
5 indictment or information was dismissed or quashed because:

6 (a) the person completed a veterans
7 treatment court program created under Chapter 124, Government
8 Code, or former law, subject to Subsection (a-3);

9 (b) the person completed a mental health
10 court program created under Chapter 125, Government Code, or former
11 law, subject to Subsection (a-4);

12 (c) the person completed a pretrial
13 intervention program authorized under Section 76.011, Government
14 Code, other than a veterans treatment court program created under
15 Chapter 124, Government Code, or former law, or a mental health
16 court program created under Chapter 125, Government Code, or former
17 law;

18 (d) the presentment had been made because
19 of mistake, false information, or other similar reason indicating
20 absence of probable cause at the time of the dismissal to believe
21 the person committed the offense; or

22 (e) the indictment or information was
23 void; or

24 (B) prosecution of the person for the offense for
25 which the person was arrested is no longer possible because the
26 limitations period has expired.